

TELEPHONE INTERVIEW SUMMARY

Applicants would like to take this opportunity to thank the Examiner for the courtesy extended during the telephone interview held on October 5, 2004. In accordance with the discussions held during the interview, Applicants furnish arguments which they respectfully submit overcome the new matter issue raised by the Examiner in the Advisory Action dated September 3, 2004. In particular, Applicants furnish information which demonstrates that there is basis in the Specification to support the most recent amendments to the claims and sequence listing, and specifically identifies the core sequence that Applicants suggest be searched.

REMARKS

Claims 1-14 were originally pending in this application. Claims 2, 4-6, 9-10, and 12 have been previously canceled, leaving claims 1, 3, 7-8, 11, and 13-14 remaining. The amendments filed August 6, 2004 have not yet been entered, and Applicants respectfully request entry of said amendments, and consideration of the corresponding arguments also filed on August 6, 2004, as part of the handling of this RCE.

The amendments submitted August 6, 2004 do not introduce new matter within the meaning of 35 U.S.C. §132. Basis for the claim amendments is found on page 3, line 18 to page 5, line 23; in claims 1-14 as originally filed; and elsewhere throughout the specification and claims, as discussed in detail below. Accordingly, entry of the amendments is respectfully requested.

1. Objections to the Claims and Sequence Listing for New Matter

The Advisory Action objects to the claims and sequence Listing, for the following reasons:

The proposed claim amendments have not been previously searched and/or considered. In addition, the amendment is accompanied by a new submission of the sequence living in computer readable and paper format. This new sequence submission has not been previously searched and/or considered and the claims are drawn to sequences within the new sequence submission.

The proposed claim amendments have not been entered. All rejections are maintained for the same reasons of record.

Applicants thank the Examiner for her helpful comments made in the telephone interview conducted on October 5, 2004 regarding the potential new matter issue relating to SEQ ID NO: 1.

Applicants respectfully submit that a core sequence has already been searched, or at least searched in part, and that there is basis in the Specification, specifically in SEQ ID NOS: 2-9, for the generic sequence found in SEQ ID NO: 1.

Applicants respectfully submit that there is a core 16 amino acid oligomer, which is found in all sequences disclosed in the Specification, and which serves as the basis for the generic sequence, which is SEQ ID NO: 1. The core sequence consists of thirteen invariable amino acids, and further has one variable position at the eighth amino acid of the core sequence and a pair of interchangeable amino acids at the fourteenth and fifteenth amino acid positions of the core sequence. The core sequence is as follows:

L V V G L C T G/C/P Q U K T G PA/AP C

The core sequence may optionally, in some disclosed sequences, also extend by one, two, three, four, or eleven additional amino acids at the N-terminus and by one additional amino acid at the C-terminus.

Basis for SEQ ID NO: 1 is found in the sequences disclosed in the Specification and claimed in claim 3, as follows:

(A) the thirteen invariable amino acids in the core sequence are found in SEQ ID NOS: 2-9;

(B) at position 8 of the core sequence, G is found in SEQ ID NOS: 2, 4, 5, 6, 7, and 8; C is found in SEQ ID NO: 3; and P is found in SEQ ID NO: 9;

(C) at positions 14 and 15 of the core sequence, AP is found in SEQ ID NOS: 2, 4, 5, 6, and 7, while PA is found in SEQ ID NOS: 3, 8, and 9;

(D) extensions of varying length at the N-terminus are found in SEQ ID NOS: 2, 4, 5, and 6; and

(E) extensions at the C-terminus, by one invariable amino acid (R), are found in SEQ ID NOS: 2, 4, 5, 6, 7, 8, and 9.

It is to be noted that the N-terminus extensions from the core sequence, as claimed and as found in the sequence listing in SEQ ID NO: 1, are limited *only* to those additional amino acids found in SEQ ID NOS: 2, 4, 5, and 6. It is further to be noted that the C-terminus extensions from the core sequence, as claimed and as found in the sequence listing in SEQ ID NO: 1, are limited *only* to the additional amino acid found in SEQ ID NOS: 2, 4, 5, 6, 7, 8, and 9.

Accordingly, Applicants respectfully request that the Examiner withdraw the objections to the claims and sequence listing.

CONCLUSIONS

Applicants respectfully request the Examiner to reconsider and withdraw the objections to the claims and sequence listing, enter the amendments filed on August 6, 2004, and allow the application. In particular, the Examiner is respectfully requested to reconsider and withdraw the objections to remaining claims 1, 3, 7-8, 11, and 13-14, and allow all pending claims presented herein for reconsideration. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned attorney if she has any questions or comments.

Respectfully submitted,

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